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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/073,727      | 02/11/2002  | Andrew Arthur Hunter | 30005967-2          | 7604             |

7590 01/28/2005

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| EXAMINER |
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NGUYEN, TAI T

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

2632

DATE MAILED: 01/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/073,727

Applicant(s)

HUNTER ET AL.

Examiner

Tai T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 27-78 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27-78 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The indicated allowability of claims 39-55, 57, 64-65, and 68-77 is withdrawn in view of the newly discovered reference(s) to Naidoo et al. (US 6,658,091). Rejections based on the newly cited reference(s) follow.

#### ***Claim Objections***

1. Claims 27 and 55 are objected to because of the following informalities:

Regarding claim 27, line 1, "detecting" should be corrected as ----indicating---- in front of "the presence".

Regarding claim 55, applicant is required to clarify what is intended by "wherein a sensor of the image capture device is the radio receiver arranged to receive..." It is not clear how the sensor being the radio receiver.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 27-55 and 58-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Everett, Jr. et al. (US 4,857,912) in view of Naidoo et al. (US 6,658,091).

**Regarding claim 27**, Everett, Jr. et al. disclose a detection system (figure 1) for indicating the presence of an image capture device (80) in the vicinity of a person, the detection system comprising an indicator unit in the form of a siren (99) installed in or on the image capture device (figure 1) being configured to emit an indicator signal to alert a guard to the presence of the person (col. 10, lines 30-46).

Everett, Jr. et al. disclose the instant claimed invention except for an indicator installed in or on the image capture device being configured to emit an indicator signal to indicate the presence of the image capture device in the vicinity of the person.

Naidoo et al. teach a video security system (figure 1) having an indicator unit (col. 3, lines 12-24) installed in or on the image capture device being configured to emit an indicator signal to indicate the presence of the image capture device in the vicinity of the person (figure 1, col. 14, lines 60-63). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to utilize the indicator unit as taught by Naidoo et al. in the system as disclosed by Everett, Jr. et al. for the purpose of warning the person at a surveillance premise that he/she is captured under the capture device.

**Regarding claim 28**, Everett, Jr. et al. disclose the indicator unit emitting the indicator signal in response to an external stimulus (col. 10, lines 30-46).

**Regarding claim 29**, Everett, Jr. et al. disclose the image capture device including at least one motion sensor (12, 14, 16, 18, 20, 30, 78, 84; figure 1) arranged to sense an external stimulus.

**Regarding claim 30**, Everett, Jr. et al. disclose the use of an acoustic sensor (84) used with the detection system (figure 1).

**Regarding claim 31**, Everett, Jr. et al. disclose the use of an motion detector (16) used with the detection system (figure 1).

**Regarding claim 32**, Everett, Jr. et al. further disclose a remote detection unit (figure 1) having a radio transceiver (102), wherein the sensor of the image capture device being a radio receiver (96) arranged to receive a query signal transmitted by the radio transmitter of the remote detection unit when the remote detection unit is within a predetermined range of the image capture device (col. 10, lines 30-62).

**Regarding claim 33**, Everett, Jr. et al. further disclose the indicator unit being a warning device (col. 6, lines 1-29) and the indicator signal being an alarm signal (103, figure 1).

**Regarding claims 34-35**, Everett, Jr. et al. disclose the alarm signal (103) being provided by the detection system. Everett, Jr. et al. disclose the instant claimed invention except for the alarm signal specifically being an audible or visual signal. It would have been obvious to one of ordinary skill in the art at the time the invention was made that the alarm signal could have been visual/audible depending on the operating environment and necessary alert required in order to indicate the alarm condition.

**Regarding claim 36**, Everett, Jr. et al. disclose the indicator unit being a radio transmitter and the indicator signal being a radio signal (figure 1).

**Regarding claim 37**, Everett, Jr. et al. disclose the instant claimed invention except for the radio transmitter being arranged to transmit periodic radio signals. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use periodic signals with the radio transmitter in order to prevent overlap and reduce power consumption.

**Regarding claim 38**, Everett, Jr. et al. disclose the instant claimed invention except for the radio transmitter being arranged to transmit continuous radio signals. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use continuous signals with the radio transmitter in order to provide constant monitoring.

**Regarding claim 39**, Everett, Jr. et al., as modified, disclose a remote detection unit (figure 1) having a radio transceiver (102), wherein the sensor of the image capture device being a radio receiver (96) arranged to receive a query signal transmitted by the radio transmitter of the remote detection unit when the remote detection unit is within a predetermined range of the image capture device (col. 10, lines 30-62) but fail to disclose the remote detection unit being carried by the person. Naidoo et al. teach a security system having a remote client/PDA (155, col. 6, lines 16-20). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made that the portable detection unit can be used for the purpose of providing portable monitoring the surveillance premise at any location.

**Regarding claims 40-50**, Everett, Jr. et al. disclose the remote detection unit comprises a warning device (audible/display screen alarm 103/97) for emitting audible alarm signal and visual/display information indicating the status of the image capture (figure 1).

**Regarding claim 51**, Everett, Jr. et al., disclose the instant claimed invention except for the remote detection unit further comprises a storage device arranged to stored information carried by the radio signal. Since Everett, Jr. et al. disclose a host CPU (94), it would have been obvious to a person having ordinary skill in the art at the time the invention was made to know that a memory is inherently included for the purpose of storing information transmitted from a local CPU (28).

**Regarding claim 52**, Everett, Jr. et al. the transceiver (96) transmitting radio signal to the host CPU (94) in response to an external stimulus detecting by the sensors (figure 1).

**Regarding claims 53-55**, refer to claim 29 above.

**Regarding claims 58-59**, Everett, Jr. et al. disclose the image capture device being a video camera (80).

**Regarding claim 60**, Everett, Jr. et al. disclose the instant claimed invention except for the explicit disclosure of the device being used in a public area. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the device in a public area in order to detect people in the area.

**Regarding claim 61-67**, the claimed method steps are inherent in the product structure.

**Regarding claim 68**, Everett, Jr. et al. disclose the instant claimed invention except for the radio signal being received by a portable remote detection unit carried by a person. Naidoo et al. teach the security system transmitting monitoring data to a portable remote unit (155, col. 6, lines 15-20). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the portable unit as taught by Naidoo et al. in the system as disclosed by Everett, Jr. et al. for the purpose of providing monitoring data to a person at a remote location.

**Regarding claim 69**, Everett, Jr. et al. disclose period transmission (col. 6, lines 10-48).

**Regarding claims 70-72**, Everett, Jr. et al. disclose the instant claimed invention except for the specific type of notification given at the remote unit. The specific type of notification at the remote unit would have been an obvious design consideration based on the operating environment.

**Regarding claims 73-76**, Everett, Jr. et al. disclose the sensing devices being able to ascertain various operating states and sense different conditions (figure 1).

**Regarding claim 77**, Everett, Jr. et al. disclose the step of storing information carried by the radio signal (col. 9, lines 10-31).

**Regarding claim 78**, refer to claim 68 above.



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4. Claims 56-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Everett, Jr. et al. in view of Schieke et al. (US 2002/0075134).

**Regarding claim 56**, Everett, Jr. et al. disclose the instant claimed invention except for the transceiver/transmitter using infrared transmissions. Schieke et al. teach the use of infrared transmission between an electronic device and base station (paragraph 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use infrared transmissions for the device of Everett, Jr. et al. for the purpose of reducing spurious transmissions.

**Regarding claim 57**, refer to claim 39 above.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 27-78 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Bakshi et al. (US 5,946,404).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tai T. Nguyen whose telephone number is (571) 272-2961. The examiner can normally be reached on Monday-Friday from 7:30am-5:00pm..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tai T. Nguyen  
Examiner  
Art Unit 2632

January 22, 2005